

THE CHAIRMAN: Delegate Carson.

DELEGATE CARSON: Mr. Chairman, Delegate Hardwicke and I have one, which was placed into the printing room I believe ahead of the other one and their estimate of time is about 15 minutes.

THE CHAIRMAN: Are there any other amendments?

Delegate Scanlan.

DELEGATE SCANLAN: Could I ask Delegate Carson just the import of his amendment? Is it possible, if it was a short one, that we could suspend the rules and vote on it before it reaches us?

THE CHAIRMAN: Delegate Carson, can you state what the amendment is?

DELEGATE CARSON: I think so, Delegate Scanlan. Our amendment will have the effect of taking out the words on line 46, "presentment or", because we believe they are unnecessary, and substituting for lines 47, 48 and 49 the words, "except in cases arising in the militia while in actual service".

That would make that latter language the same as GP-4 with regard to the militia.

THE CHAIRMAN: Delegate Carson, I am sorry the Chair does not follow the amendment.

Will you give it to me again?

You would strike what in line 46?

DELEGATE CARSON: In line 46, strike the words "presentment or". Then, in line 47 through 49, strike all the language on those lines and add this language: "except in cases arising in the militia while in actual service."

THE CHAIRMAN: While and not when?

DELEGATE CARSON: Yes, sir. The "while" was used by the Committee on Style and is the same as GP-3 or 4, whatever it is, with regard to militia.

THE CHAIRMAN: For what purpose does Delegate Kiefer rise?

DELEGATE KIEFER: Mr. Chairman, we had in mind a similar amendment. The language may be slightly different. Let me give it to you.

It is a matter of styling. This was prepared prior to the provisions of the General Provisions Committee on this subject but crossing out the three lines, 47, 48, 49

and saying "except for a member of the militia for offenses committed while in actual service."

This follows, I believe.

THE CHAIRMAN: I think you can use the language of Delegate Carson with less change here.

For what purpose does Delegate Henderson rise?

DELEGATE HENDERSON: Mr. Chairman, I had a very simple amendment along with several other delegates to strike out this section as proposed. I would like to have consideration of that.

One reason I am not prepared sooner is that I am disturbed at adopting language right out of the federal Constitution and putting an entirely novel concept into our Constitution, something that was not there at all.

The present Constitution speaks of an indictment or charge, which is a very different thing.

This requires the grand jury action in every case, and many of the cases as we know are now tried on information. Therefore, I would like to have my amendment considered sometime, or maybe first, if possible.

THE CHAIRMAN: Very well, just a moment.

Delegate Carson, would you take the copy of R&P-2, section 11 and follow the Chair and let me understand whether this would be your amendment?

In line 46 strike the words "presentment or" and in line 47, strike the words "in the land or naval". In line 48, strike the words "forces or" and change the word "when" to "while." In line 49, strike "in time of war or public danger."

DELEGATE CARSON: That is correct, Mr. Chairman. That is our amendment.

THE CHAIRMAN: Delegate Byrnes, what is the import of your amendment?

DELEGATE BYRNES: That is why I arose, sir.

On line 45, we would strike out, "capital or otherwise infamous crime," and substitute in lieu thereof, "felony," and we would delete all of lines 47, 48, and 49 and substitute nothing for it.

THE CHAIRMAN: The Chair thinks that the better procedure to follow and the